

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG  
CORPORATION, *et al.*,

Defendants.

Civil Action No. 3:17-01362  
Hon. David A. Faber

---

CABELL COUNTY COMMISSION,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG  
CORPORATION, *et al.*,

Defendants.

Civil Action No. 3:17-01665  
Hon. David A. Faber

**ORDER DENYING PLAINTIFFS' MOTION TO COMPEL  
AMERISOURCEBERGEN DRUG CORPORATION**

Plaintiffs' Motion to Compel AmerisourceBergen Drug Corporation ("ABDC") to Identify by Bates Range Due Diligence Documents for CT2 Customers (ECF No. 681) is hereby DENIED. The motion is untimely under the Court's scheduling order (ECF No. 410). The Special Master finds Plaintiffs were aware of the requirement to, and did file placeholder motions while other ongoing discovery disputes were being negotiated. There is a strong preference for written discovery to conclude and the circumstances for considering a late filed motion must truly be extraordinary. No such circumstances exist here, the Plaintiffs' were aware of ABDC's written

discovery responses well in advance of the Court's filing deadline yet failed to file the instant motion prior to the deadline.

IT IS SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ENTERED:

---

Christopher C. Wilkes  
Special Master